

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6790

BILL NUMBER: SB 297

NOTE PREPARED: Jan 16, 2013

BILL AMENDED: Jan 15, 2013

SUBJECT: Payments from Excess Liability Trust Fund.

FIRST AUTHOR: Sen. Randolph

FIRST SPONSOR:

BILL STATUS: CR Adopted - 1st House

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State

Summary of Legislation: This bill allows the Department of Revenue to impose a lien on the property of an owner or operator of an underground storage tank, if the owner or operator fails to pay fees due under certain provisions. It allows a transferee of property upon which a tank is located to receive money from the Excess Liability Trust Fund if applicable tank fees are paid. The bill also provides that past due fees include fees, interest, and penalties assessed by the Department of Revenue.

Effective Date: July 1, 2013.

Explanation of State Expenditures: *Department of State Revenue (DOR):* The bill specifies that the DOR may impose liens on properties if owners or operators fail to pay fees due for underground storage tanks. The DOR should be able to fulfill the bill's requirements, assuming near customary agency staffing and resource levels.

Underground Petroleum Storage Tank Excess Liability Trust Fund (ELTF): The bill changes the conditions under which transferees may receive money from the ELTF, specifically requiring that transferees pay all applicable tank fees for each tank within 30 days of receiving notice of the indebtedness. Current statute provides that this condition is one of several conditions that may be met in order to receive funds from the ELTF. Any impact on expenditures from the ELTF as a result of this bill will depend upon the number and nature of claims.

As of December 31, 2012, the ELTF had a balance of about \$82 M.

Explanation of State Revenues: Liens can already be imposed under current statute. However, the bill provides that if the DOR fails to impose a lien, then no penalties or interest may be collected in addition to the underground storage tank fees that are due.

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected: Department of State Revenue; Indiana Department of Environmental Management.

Local Agencies Affected:

Information Sources: Brad Baughn, Indiana Department of Environmental Management, 317-234-3386.

Fiscal Analyst: Jessica Harmon, 317-232-9854.